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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

All Actions

Master Docket No. 11-CV-2509-LHK

**STIPULATION AND [PROPOSED]  
ORDER VACATING PRETRIAL AND  
TRIAL DATES**

Judge: Honorable Lucy H. Koh

Pursuant to Local Rule 7-12, Plaintiffs and Class Representatives Mark Fichtner, Siddharth Hariharan, Daniel Stover, and Michael Devine, and Defendants Adobe Systems Inc., Apple Inc., Google Inc., and Intel Corporation (collectively, the “Parties”), by and through their counsel, jointly submit this Stipulation and Proposed Order Vacating Pretrial and Trial Dates.

WHEREAS Plaintiffs filed a Motion for Preliminary Approval of Class Action Settlement on January 15, 2015 (Dkt. 1032), Defendants filed a Brief in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement on January 15, 2015 (Dkt. 1039), and Plaintiff Michael Devine filed a Joinder to the Motion for Preliminary Approval of Class Action Settlement on January 16, 2015 (Dkt. 1041);

WHEREAS the Settlement reached between the Parties will resolve all of the claims of the Class of employees that the Court certified on October 24, 2013 (Dkt. 531) (the “Class”);

WHEREAS the Settlement creates an all-cash fund of \$415,000,000, an amount that is \$90,500,000 more than the Parties’ prior settlement (*see* Dkt. 920) and \$35,000,000 more than the \$380,000,000 referenced by the Court in its Order Denying Plaintiffs’ Motion for Preliminary Approval of Settlements (Aug. 8, 2014 Order at 7, n. 8, Dkt. 974);

WHEREAS the Pretrial Conference is presently scheduled for March 19, 2015 (Dkt. 1022) and the Trial is presently scheduled to begin on April 10, 2015 (Dkt. 1031);

WHEREAS without staying the pretrial filing obligations and/or vacating the Pretrial and Trial dates, the Parties will be required to engage in substantial pretrial activities to prepare for trial and to meet several deadlines keyed off of the Pretrial Conference and Trial dates, which will be unnecessary if the Settlement is approved (or the deadlines otherwise adjusted by the Court), including:

(1) resolving and filing a Joint Statement Regarding Business Record Disputes (due 30 days before the Pretrial Conference – Dkt. 986);

(2) conferring about and exchanging revised lists of trial witnesses (due 30 days before the Pretrial Conference – Dkt. 986);

(3) filing amended witness lists (due 14 days before the Pretrial Conference – Dkt. 986);

(4) meeting and conferring regarding the Joint Pretrial Statement, preparation and

exchange of pretrial materials, and clarifying and narrowing contested issues for trial (due 21 days before Pretrial Conference – Guidelines for Final Pretrial Conference in Jury Trials Before District Judge Lucy H. Koh (“Guidelines”));

(5) drafting and filing the Joint Pretrial Statement and Order (due 14 days before Pretrial Conference – Guidelines);

(6) finalizing and exchanging copies of all exhibits, summaries, charts, and diagrams to be used at trial other than solely for impeachment or rebuttal (due 14 days before Pretrial Conference – Guidelines);

(7) finalizing and filing excerpts of deposition testimony or other discovery to be offered at trial, other than solely for impeachment or rebuttal (due 14 days before Pretrial Conference – Guidelines);

(8) drafting and filing Jury Voir Dire Questions (due 7 days before Pretrial Conference – Guidelines);

(9) drafting and filing Proposed Jury Instructions (due 7 days before Pretrial Conference – Guidelines);

(10) drafting and filing Proposed Jury Verdict Forms (due 7 days before Pretrial Conference – Guidelines);

(11) copying, assembling, and delivering three sets of all pre-marked exhibits contained in three ring binders to the Court (due 7 days before Trial – Guidelines); and

(12) drafting and filing Trial briefs (due 7 days before Trial – Guidelines); and

WHEREAS the Parties respectfully seek the Court’s guidance on the filed Motion for Preliminary Approval of Class Action Settlement at the earliest practicable date;

NOW THEREFORE IT IS HEREBY STIPULATED by and between the Parties through their respective counsel and subject to the Court’s approval that the March 19, 2015 Pre-Trial Conference, the April 10, 2015 Trial, and all other pre-Trial deadlines are VACATED.

1 Dated: January 22, 2015

Respectfully Submitted,

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19 **ATTESTATION:** The filer attests that concurrence in the filing of this document has been  
20 obtained from all signatories.

21  
22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23  
24 Dated: \_\_\_\_\_

25 LUCY H. KOH

26 UNITED STATES DISTRICT JUDGE